

HYUNSUK ALBERT CHANG (SBN 206270)
Email: albertchang@aclawfirm.net
HECTOR HSU (SBN 323657)
Email: hhsu@aclawfirm.net
LAW OFFICES OF ALBERT CHANG
1225 W. 190th Street, Suite 420
Gardena, CA 90248
Telephone: (310) 769-6836

Attorneys for Plaintiff JENNIFER HEE PARK

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JENNIFER HEE PARK, an individual,
Plaintiff,

vs.

PORRIDGE, LLC, a California limited
liability company, d/b/a THE ODELLS;
ANTHROPOLOGIE, INC., a
Pennsylvania corporation;
GARMENTORY INC., a Delaware
corporation; NORDSTROM, INC., a
Washington corporation, d/b/a
NORDSTROM RACK; POSHMARK,
INC., a Delaware corporation; d/b/a
POSHMARK.COM; and DOES 1
through 10, inclusive,
Defendants.

Case No.

COMPLAINT FOR:

- 1. COPYRIGHT INFRINGEMENT;**
- 2. VICARIOUS AND/OR
CONTRIBUTORY COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff JENNIFER HEE PARK, an individual (“Plaintiff”), by and through
2 her undersigned attorneys, hereby prays to this honorable Court for relief as follows:

3 **JURISDICTION AND VENUE**

4 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C. § 101 et
5 seq.

6 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and
7 1338 (a) and (b).

8 3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and
9 1400(a) in that this is the judicial district in which a substantial part of the acts and
10 omissions giving rise to the claims occurred.

11 **PARTIES**

12 4. Plaintiff is, and at all times herein mentioned was, an individual residing in
13 the County of Los Angeles and the State of California.

14 5. Plaintiff is informed and believes and thereon alleges that Defendant
15 PORRIDGE, LLC, also doing business as THE ODELLS (“THE ODELLS”) is,
16 and at all times herein mentioned was, a limited liability company organized and
17 existing under the laws of the State of California, with its principal place of business
18 located at 3111 Los Feliz Boulevard, Suite 106, Los Angeles, CA 90039, which is
19 authorized to do business, and is doing business in the State of California.

20 6. Plaintiff is informed and believes and thereon alleges that Defendant
21 ANTHROPOLOGIE, INC. (“ANTHROPOLOGIE”) is, and at all times herein
22 mentioned was, a corporation organized and existing under the laws of the State of
23 Pennsylvania, with its principal place of business located at 5000 S. Broadway
24 Street, Philadelphia, PA 19112, which is authorized to do business, and is doing
25 business in the State of California.

26 7. Plaintiff is informed and believes and thereon alleges that Defendant
27 GARMENTORY INC. (“GARMENTORY”) is, and at all times herein mentioned
28 was, a corporation organized and existing under the laws of the State of Delaware,

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1 with its principal place of business located at 255 South King Street, Suite 800,
 2 Seattle, WA 98104, which is authorized to do business, and is doing business in the
 3 State of California.

4 8. Plaintiff is informed and believes and thereon alleges that Defendant
 5 NORDSTROM, INC., also doing business as NORDSTROM RACK
 6 (“NORDSTROM”) is, and at all times herein mentioned was, a corporation
 7 organized and existing under the laws of the State of Washington, with its principal
 8 place of business located at 1617 Sixth Avenue, Seattle, WA 98101, which is
 9 authorized to do business, and is doing business in the State of California.

10 9. Plaintiff is informed and believes and thereon alleges that Defendant
 11 POSHMARK, INC., also doing business as POSHMARK.COM (“POSHMARK”) is,
 12 and at all times herein mentioned was, a corporation organized and existing under
 13 the laws of the State of Delaware, with its principal place of business located at 203
 14 Redwood Shores Parkway, 8th Floor, Redwood City, CA 94065, which is
 15 authorized to do business, and is doing business in the State of California.

16 10. Defendants DOES 1 through 10, inclusive, are other parties not yet
 17 identified who have infringed Plaintiff’s copyrights, have contributed to the
 18 infringement of Plaintiff’s copyrights, or have engaged in one or more of the
 19 wrongful practices alleged herein. The true names, whether corporate, individual or
 20 otherwise, of Defendants DOES 1 through 10, inclusive, are presently unknown to
 21 Plaintiff, which thus sues said Defendants by such fictitious names, and will seek
 22 leave to amend this Complaint to show their true names and capacities when same
 23 have been ascertained.

24 11. Plaintiff is informed and believes and thereon alleges that at all times
 25 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
 26 manager, principal, alter-ego, and/or employee of the remaining Defendants and
 27 was at all times acting within the scope of such agency, affiliation, alter-ego
 28 relationship, and/or employment, and actively participated in or subsequently

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ratified and adopted, or both, each and all of the acts or conduct alleged, with full knowledge of all the facts and circumstances, including, but not limited to, full knowledge of each and every violation of Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

CLAIMS RELATED TO DESIGN

CIRCLE-CLJS-MJ17JAN0150 (TWO BULK FLOWERS)

12. Prior to the conduct complained of herein, Circle Trim, Inc. composed an original two-dimensional artwork for purposes of textile printing, which is set forth hereinbelow. Circle Trim, Inc. allocated this artwork its internal design number CIRCLE-CLJS-MJ17JAN0150 (TWO BULK FLOWERS) (hereinafter the "Subject Design"). This artwork was a creation of Circle Trim, Inc. and/or its design team, and is, and at all relevant times was, owned exclusively by Circle Trim, Inc. The CEO of Circle Trim, Inc., when the Subject Design was created, was Jennifer Hee Park ("Plaintiff").

13. On or around February 16, 2017, Circle Trim, Inc. applied for and received a United States Copyright Registration for the Subject Design. A true and correct copy of the Certificate of Registration is attached hereto as Exhibit A.

14. On or around October 1, 2019, Circle Trim, Inc. assigned its copyright rights to the Subject Design to Plaintiff. A true and correct copy of the Assignment of Rights is attached hereto as Exhibit B. On or around October 7, 2019, Circle Trim, Inc. was dissolved.

15. Prior to the acts complained of herein, Circle Trim, Inc. and Plaintiff sampled and sold fabric bearing the Subject Design to numerous parties in the fashion and apparel industries.

16. Plaintiff is informed and believes and thereon alleges that THE ODELLS and certain DOE defendants created, sold, manufactured, caused to be manufactured, imported, and/or distributed fabric and/or garments comprised of

1 fabric bearing an unauthorized reproduction of the Subject Design (the “Subject
2 Product A”) to its retailers as well as to the public.

3 17. A comparison of the Subject Design and the Subject Product A below
4 makes apparent that the elements, colors, composition, arrangement, layout, and
5 appearance of the designs are substantially similar.

<u>Subject Design</u>	<u>Subject Product A</u>
<p data-bbox="527 695 623 730">Detail</p>  <p data-bbox="509 1115 618 1150">Design</p> 	<p data-bbox="1159 695 1255 730">Detail</p>  <p data-bbox="1133 1115 1268 1150">Garment</p> 

18. Plaintiff is informed and believes and thereon alleges that THE ODELLS, ANTHROPOLOGIE, and certain DOE defendants created, sold, manufactured, caused to be manufactured, imported, and/or distributed fabric and/or garments comprised of fabric bearing an unauthorized reproduction of the Subject Design (the “Subject Product B”) to its retailers as well as to the public.

19. A comparison of the Subject Design and the Subject Product B below makes apparent that the elements, colors, composition, arrangement, layout, and appearance of the designs are substantially similar.

<u>Subject Design</u>	<u>Subject Product B</u>
<p>Detail</p>  <p>Design</p> 	<p>Detail</p>  <p>Garment</p> 

20. Plaintiff is informed and believes and thereon alleges that THE ODELLS, GARMENTORY, and certain DOE defendants created, sold, manufactured, caused to be manufactured, imported, and/or distributed fabric and/or garments comprised of fabric bearing an unauthorized reproduction of the Subject Design (the “Subject Product C”) to its retailers as well as to the public.

21. A comparison of the Subject Design and the Subject Product C below makes apparent that the elements, colors, composition, arrangement, layout, and appearance of the designs are substantially similar.

<u>Subject Design</u>	<u>Subject Product C</u>
<p>Detail</p> 	<p>Detail</p> 
<p>Design</p> 	<p>Garment</p> 

1 22.Plaintiff is informed and believes and thereon alleges that THE ODELLS,
2 NORDSTROM, and certain DOE defendants created, sold, manufactured, caused
3 to be manufactured, imported, and/or distributed fabric and/or garments comprised
4 of fabric bearing an unauthorized reproduction of the Subject Design (the “Subject
5 Product D”) to its retailers as well as to the public.

6 23. A comparison of the Subject Design and the Subject Product D below
7 makes apparent that the elements, colors, composition, arrangement, layout, and
8 appearance of the designs are substantially similar.

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(310) 769-6836

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Subject Design

Detail



Design



Subject Product D

Detail





Garment



24. Plaintiff is informed and believes and thereon alleges that THE ODELLS, NORDSTROM, and certain DOE defendants created, sold, manufactured, caused to be manufactured, imported, and/or distributed fabric and/or garments comprised of fabric bearing an unauthorized reproduction of the Subject Design (the “Subject Product E”) to its retailers as well as to the public.

25. A comparison of the Subject Design and the Subject Product E below makes apparent that the elements, colors, composition, arrangement, layout, and appearance of the designs are substantially similar.

<u>Subject Design</u>	<u>Subject Product E</u>
<p data-bbox="516 825 613 861">Detail</p> 	<p data-bbox="1125 825 1222 861">Detail</p> 

Design



Garment



26. Plaintiff is informed and believes and thereon alleges that THE ODELLS, POSHMARK, and certain DOE defendants created, sold, manufactured, caused to be manufactured, imported, and/or distributed fabric and/or garments comprised of fabric bearing an unauthorized reproduction of the Subject Design (the “Subject Product F”) to its retailers as well as to the public.

27. A comparison of the Subject Design and the Subject Product F below makes apparent that the elements, colors, composition, arrangement, layout, and appearance of the designs are substantially similar.

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(310) 769-6836

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Subject Design

Detail



Design



Subject Product F

Detail



Garment



28. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed copyright infringement with actual or constructive knowledge of Plaintiff's rights and/or in blatant disregard for Plaintiff's rights, such that said acts of copyright infringement were, and continue to be, willful, intentional, and malicious, subjecting Defendants, and each of them, to liability for statutory damages under the Copyright Act, 17 U.S.C. § 504(c)(2) in the sum of up to one hundred fifty thousand dollars (\$150,000) per infringement.

FIRST CLAIM FOR RELIEF

(For Copyright Infringement – Against All Defendants)

29. Plaintiff repeats, realleges, and incorporates herein by reference as though fully set forth, the allegations contained in the preceding paragraphs of this Complaint.

30. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or DOE defendants, including, without limitation, international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples, and/or (d) garments manufactured and sold to the public bearing fabric lawfully printed with the Subject Design by Plaintiff for her customers.

31. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s) has an ongoing business relationship with Defendant retailers, and each of them, and supplied garments to said retailer, which garments infringed the Subject Design in that said garments were composed of fabric which featured unauthorized print design(s) that were identical or substantially similar to the Subject Design, or were an illegal derivation or modification thereof.

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1 32.Plaintiff is informed and believes and thereon alleges that Defendants, and
2 each of them, infringed Plaintiff's copyrights by creating, manufacturing, and/or
3 developing directly infringing and/or derivative works from the Subject Design and
4 by manufacturing, distributing, and/or selling garments which infringe the Subject
5 Design through a nationwide network of retail stores, catalogues, and through on-
6 line websites.

7 33.Due to Defendants' acts of copyright infringement as alleged herein,
8 Plaintiff has suffered substantial damages to her business in an amount to be
9 established at trial.

10 34.Due to Defendants' acts of copyright infringement as alleged herein,
11 Plaintiff has suffered general and special damages to her business in an amount to
12 be established at trial.

13 35.Due to Defendants' acts of copyright infringement as alleged herein,
14 Defendants, and each of them, have obtained direct and indirect profits they would
15 not otherwise have realized but for their infringement of the Subject Design. As
16 such, Plaintiff is entitled to disgorgement of Defendants' profits directly and
17 indirectly attributable to Defendants' infringement of the Subject Design in an
18 amount to be established at trial.

19 36.Plaintiff is informed and believes and thereon alleges that Defendants, and
20 each of them, have committed copyright infringement as alleged herein, which were
21 willful, intentional, and malicious, which further subjects Defendants, and each of
22 them, to liability for statutory damages under the Copyright Act, 17 U.S.C. §
23 504(c)(2) in the sum of up to one hundred fifty thousand dollars (\$150,000) per
24 infringement. Within the time permitted by law, Plaintiff will make her election
25 between actual damages and statutory damages.

SECOND CLAIM FOR RELIEF

(For Vicarious and/or Contributory Copyright Infringement

– Against All Defendants)

37.Plaintiff repeats, realleges, and incorporates herein by reference as though fully set forth, the allegations contained in the preceding paragraphs of this Complaint.

38.Plaintiff is informed and believes and thereon alleges that Defendants knowingly induced, participated in, aided and abetted in, and profited from the illegal reproduction and/or subsequent sales of garments featuring the Subject Design as alleged herein.

39.Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, are vicariously liable for the infringement alleged herein because they had the right and ability to supervise the infringing conduct and because they had a direct financial interest in the infringing conduct.

40.By reason of the Defendants’ and each of their acts of contributory and vicarious infringement as alleged above, Plaintiff has suffered and will continue to suffer substantial damages to her business in an amount to be established at trial, as well as additional general and special damages in an amount to be established at trial.

41.Due to Defendants’ and each of their acts of copyright infringement as alleged herein, Defendants, and each of them, have obtained direct and indirect profits they would not otherwise have realized but for their infringement of the Subject Design. As such, Plaintiff is entitled to disgorgement of Defendants’ profits directly and indirectly attributable to Defendants’ infringement of the Subject Design in an amount to be established at trial.

42.Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, have committed acts of copyright infringement as alleged herein, which were willful, intentional, and malicious, which further subjects Defendants,

1 and each of them, to liability for statutory damages under the Copyright Act, 17
2 U.S.C. § 504(c)(2) in the sum of up to one hundred fifty thousand dollars (\$150,000)
3 per infringement. Within the time permitted by law, Plaintiff will make her election
4 between actual damages and statutory damages.

5 **PRAYER FOR RELIEF**

6 Wherefore, Plaintiff prays for judgment against all Defendants as follows:

7 1. That Defendants, and each of them, and their respective agents and
8 employees be enjoined from infringing Plaintiff's copyrights in any manner,
9 specifically those for the Subject Design;

10 2. That Defendants, and each of them, account to Plaintiff for their profits and
11 any damages sustained by Plaintiff arising from the foregoing acts of infringement,
12 the exact sum to be proven at the time of trial under the Copyright Act, 17 U.S.C. §
13 504(b), or, if elected before final judgment, statutory damages as available under
14 the Copyright Act, 17 U.S.C. § 504(c) et seq.;

15 3. That Plaintiff be awarded her attorneys' fees as available under the
16 Copyright Act, 17 U.S.C. §101 et seq.;

17 4. That Plaintiff be awarded pre-judgment interest as allowed by law;

18 5. That Plaintiff be awarded the costs of this action; and

19 6. That Plaintiff be awarded such further legal and equitable relief as the Court
20 deems proper.

21 A TRIAL BY JURY PURSUANT TO FED. R. CIV. P. 38 AND
22 CONSTITUTIONAL AMENDMENT SEVEN IS HEREBY DEMANDED.

23 Date: January 24, 2023

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24
25 By: /s/ Hyunsuk Albert Chang
26 Hyunsuk Albert Chang
27 Hector Hsu
28 Attorneys for Plaintiff
JENNIFER HEE PARK

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Karen Leigh Clayett

Acting United States Register of Copyrights and Director

Registration Number

VAu 1-271-060

Effective Date of Registration:

February 16, 2017

Title

Title of Work: CIRCLE-CLJS-MJ17JAN0150 (TWO BULK FLOWERS)

Completion/Publication

Year of Completion: 2017

Author

• Author: CIRCLE TEXTILE
Author Created: 2-D artwork, FABRIC DESIGN
Work made for hire: Yes
Citizen of: United States
Domiciled in: United States

Copyright Claimant

Copyright Claimant: CIRCLE TEXTILE
1919 S. SAN PEDRO ST., LOS ANGELES, CA, 90011, United States

Rights and Permissions

Organization Name: CIRCLE TEXTILE
Name: JENNIFER PARK
Email: circletextileusa@gmail.com
Telephone: (213)745-4787
Address: 1919 S. SAN PEDRO ST.,
LOS ANGELES, CA 90011 United States

Certification

Name: Jennifer Hee Park
Date: April 27, 2017

Correspondence: Yes



EXHIBIT B

ASSIGNMENT OF RIGHTS

THIS ASSIGNMENT ARTWORK ("Assignment") is entered into by and between **Circle Trim, Inc., doing business as Circle Textile** ("Assignor") and **Jennifer Hee Park** ("Assignee") (Assignor and Assignee each a "Party," and collectively, the "Parties."). This Assignment is effective upon the signing of the Assignment by Assignor and Assignee and is intended by all Parties to confirm and memorialize the transfer of rights in certain artwork.

1. Assignor created and developed certain original designs and artwork identified as **CIRCLE-CLJS-MJ17JAN0150 (TWO BULK FLOWERS)** (the "Works"). The Works were created by, and are owned by, Assignor. The Works are original and not copied from any source. Through this Assignment, Assignor assigns and transfers all rights, title, and interest of any nature whatsoever (including, without limitation, copyright and trademark rights, as well as any renewal rights) in the Works to Assignee.
2. This Assignment shall be binding on, and inure to the benefit of, the Parties hereto, their successors in interest and assigns.
3. The interpretation and performance of this Assignment shall be governed by the laws of the State of California.
4. This Assignment may be executed in any number of separate counterparts, and each counterpart, when so executed, shall be deemed to be an original, and all such counterparts shall, together, constitute and be one and the same instrument.
5. The individual(s) signing this Assignment in a representative capacity represents and warrants that he or she is authorized to do so and to bind the company on whose behalf he or she is signing.
6. If any or more of the provisions of this Assignment are found to be invalid, illegal, or unenforceable, then such provision(s) shall be stricken from this Assignment and shall not affect the validity, legality or enforceability of the remainder of the Assignment.

7. Any waiver, modification, or amendment of any provision of this Assignment will be effective only if in writing and signed by both parties.

IN WITNESS WHEREOF, Assignor and Assignee agree to the above and have executed this Assignment in agreement to the above terms.

"ASSIGNOR":

Circle Trim, Inc., dba Circle Textile

DATED: October 1, 2019

BY: 

Jennifer Hee Park, CEO of Circle Trim, Inc.

"ASSIGNEE":

Jennifer Hee Park

DATED: October 1, 2019

BY: 

Jennifer Hee Park